

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KRISTEN BURKE,

Plaintiff,

-against-

DANIEL RODRIGUEZ,

Defendant.

GEORGE B. DANIELS, District Judge:

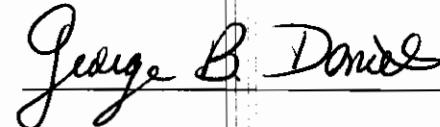
Defendant's motion, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Amended Complaint for failure to state a legally cognizable claim is granted.

Plaintiff's cross-motion to further amend the complaint is denied. Plaintiff's motion for discovery is also denied.

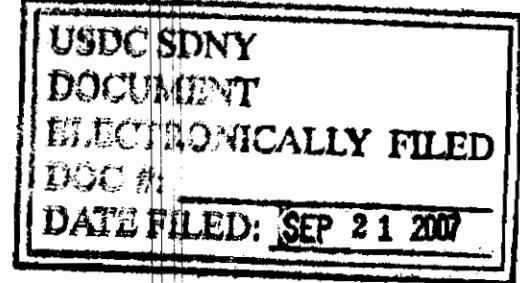
Dated: New York, New York

September 20, 2007

SO ORDERED:



GEORGE B. DANIELS  
United States District Judge



07 CV 3732 (GBD)

ORDER